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December 29, 2005

Via Express Mail

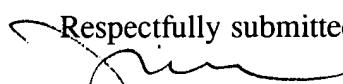
Mail Stop 8
Director of the U.S. Patent and Trademark Office
P.O. Box 1450, Alexandria, VA 22313-1450

Re: Appeal No. 2005-1380 - Serial No. 09/944,314
Appeal No. 2005-2324 - Serial No. 09/944,315

Dear sir:

Enclosed are individual notices of appeal for each of the above-identified matters.

Please note that the Notice of Abandonment mailed December 14, 2005 in application serial no. 09/944,315 is in error. The time for taking action on a decision on a request for rehearing is not less than sixty (60) days. 35 U.S.C. § 142; see also 37 C.F.R. § 1.304(a)(1) ("the time for filing an appeal ... shall expire two months after action on the request"); and M.P.E.P. § 1216(III). Therefore, both of the notices, following decisions on requests for rehearing mailed November 30, 2005, are timely.

Respectfully submitted,

Joel Miller
Reg. No. 29,955

Encl.



12-30,05

AF/EFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Martin W. Masters

Matthew Pietrafitta

Therese Velde

Serial No.: 09/944,314

Filed: August 31, 2001

For: Processes for Texturing the Surface
of a Hearing Instrument

Attn: Mail Stop 8
Director of the U.S. Patent
and Trademark Office
Appeal No. 2005-1380

Notice of Appeal to the Court of Appeals for the Federal Circuit

Applicants in the above-identified appeal hereby serve notice under 35 U.S.C. §§ 141 and 142 of their appeal to the Court of Appeals for the Federal Circuit from the decision of the Board of Appeals rendered September 14, 2005 and the decision on a request for rehearing rendered November 30, 2005.

Dated: December 29, 2005

Respectfully submitted,

Joel Miller, Esq.
17 Westwood Drive South
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(973) 736-8306
(Reg. No. 29,955)

Certificate of Mailing (PTO) - Express Mail Deposit

I hereby certify that this notice of appeal is being deposited this day, by Express Mail Post Office to Addressee Service of the U.S. Postal Service, in an envelope addressed to:

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Joel Miller
Date: December 29, 2005

Reg. No. 29,955

Certificate of Service (CAFC)

I hereby certify that three (3) copies of this notice of appeal and a check for the filing fee have been sent today via Express Mail to:

Clerk of Court
United States Court of Appeals for the Federal Circuit
717 Madison Place, NW
Washington, D.C. 20439

Express Mail Cert. Serial No. EQ 236 630 176 US.

Joel Miller
Date: December 29, 2005